

**COMMONWEALTH OF MASSACHUSETTS**

**TOWN OF NORTH READING**

**ANNUAL TOWN MEETING**

**APRIL 9, 2007**

**7:00 P.M.**

Middlesex, SS.

To either of the Constables of the Town of North Reading in the County of Middlesex, GREETING.

IN THE NAME OF THE COMMONWEALTH OF MASSACHUSETTS, you are hereby directed to notify and warn the inhabitants of said Town, qualified to vote in Town affairs, to meet at the Daniel H. Shay Auditorium, North Reading High School, Park Street in said North Reading, on **MONDAY**, the **NINTH DAY OF APRIL, 2007**, at **seven o'clock** in the evening, then and there to act on the following articles:--

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**Article 1      Select Town Officers**

To choose all necessary Town officers not elected by ballot, and determine what instructions shall be given to them.

**Sponsor:**    Board of Selectmen

**Description...**

*This is a customary article required by law which provides for the selection of officers not otherwise specified within the Annual Town Election Ballot, the General By-laws or the Charter.*

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**Article 2      Hear and Act on Reports of Town Officers and Committees**

To hear and act upon the reports of Town Officers and Committees.

**Sponsor:**    Board of Selectmen

**Description...**

*This is a customary article which provides for Officers and Committees so instructed to report to Town Meeting their progress or recommendations.*

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**Article 3      Authorize Director of Public Works to Accept Easements**

To see if the Town will vote to authorize the Director of Public Works to accept, on behalf of the Town, easements in perpetuity from owners of record in cases where such easements are deemed necessary or desirable for the installation and maintenance of drainage and water mains, or for other construction, which easements are in the interests of public health, welfare, safety, or convenience to the motoring public; or what it will do in relation thereto.

**Sponsor:**    Board of Selectmen

**Description...**

*This article is presented annually to allow the Director of Public Works to accept easements for the construction and maintenance of water mains, drainage and other purposes.*

**Article 4 Authorize Treasurer to Enter into Compensating Balance Agreements**

To see if the Town will vote to authorize its Treasurer/Collector to enter into a compensating balance agreement or agreements for fiscal year 2008 pursuant to Chapter 44, Section 53F of the General Laws; or what it will do in relation thereto.

**Sponsor:** Board of Selectmen

**Description...**

*This is a customary article which allows the Treasurer to enter into compensating balance agreements with banks through which a portion of the interest earnings of deposits are retained by the bank in exchange for services.*

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**Article 5 Authorize Chapter 90 Highway Construction Funds (Pending Authorization by the Department of Revenue)**

To see if the Town will vote to appropriate by transfer from the Chapter 90 Bond Issue Apportionment, a sum of money received from the State for the construction, reconstruction or maintenance of roadways in Town; or what it will do in relation thereto.

**Sponsor:** Department of Public Works

**Description...**

*This article authorizes the use of Chapter 90 State Highway Aid for highways maintenance.*

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**Article 6 Conservation Revolving Fund – Re-authorize**

To see if the Town will vote to reauthorize pursuant to the provisions of Chapter 44, Section 53E 1/2, the Conservation Revolving Fund as voted in Article 20 – Revolving Funds – Wetland Protection, at the April 1992 Town Meeting for the purpose of which receipts in connection with department programs will be deposited for use by the Conservation Commission for the purpose of meeting the expenses of Conservation Commission programs, and further to authorize the expenditure of such funds to be expended at the discretion of the Conservation Commission a sum not to exceed a certain amount; or what it will do in relation thereto.

**Sponsor:** Board of Selectmen

**Description...**

*This article continues in place the mechanism used by the Conservation Commission to fund its administration of the local Wetlands Protection By-law.*

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**Article 7 Parks and Recreation Revolving Fund – Re-authorize**

To see if the Town will vote to reauthorize pursuant to the provisions of Chapter 44, Section 53E 1/2, the Parks and Recreation Revolving Fund as voted in Article 22 – Revolving Funds – Parks and Recreation, at the October 1997 Town Meeting for the purpose of which receipts in connection with department programs will be deposited for use by the Parks and Recreation Commission for the purpose of meeting the expenses of Parks and Recreation Commission programs, and further to authorize the expenditure of such funds to be expended at the discretion of the Parks and Recreation Commission a sum not to exceed a certain amount; or what it will do in relation thereto.

**Sponsor:** Board of Selectmen

**Description...**

*This article continues in place the mechanism used by the Recreation Committee to fund the maintenance and general improvements for all Town parks and recreational facilities and various Recreation programs.*

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**Article 8      Damon Tavern Revolving Account – Re-authorize**

To see if the Town will vote to reauthorize pursuant to the provisions of Chapter 44, Section 53E 1/2, the Damon Tavern Revolving Fund as voted in Article 17 – Revolving Funds – Damon Tavern, at the April 2002 Town Meeting for the purpose of which receipts in connection with lease of the Damon Tavern will be deposited for use by the Historical Commission and the Department of Public Works for the purpose of meeting the expenses related to the maintenance and repair of the Damon Tavern, and further to authorize the expenditure of such funds to be expended at the discretion of the Historical Commission and the Department of Public Works a sum not to exceed a certain amount; or what it will do in relation thereto.

**Sponsor:** Board of Selectmen

**Description...**

*This article continues in place the mechanism used by the Town to utilize the revenue from the leasing of space in the Damon Tavern.*

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**Article 9      Rain Barrel Revolving Account – Re-authorize**

To see if the Town will vote to reauthorize pursuant to the provisions of Chapter 44, Section 53E 1/2, the Rain Barrel Revolving Fund as voted in Article 17 – Revolving Funds – Rain Barrel, at the October 2003 Town Meeting for the purpose of which receipts in connection with the sale of rain barrels will be deposited for use by the Water Department for the purpose of meeting the expenses of purchasing additional rain barrels and related costs the expenditure of such funds to be expended at the discretion of the Water Department a sum not to exceed a certain amount; or what it will do in relation thereto.

**Sponsor:** Board of Selectmen

**Description...**

*This article continues in place the mechanism used by the Town to utilize the revenue from the sale of rain barrels.*

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**Article 10      Special Education Revolving Fund – Re-authorize**

To see if the Town will vote to reauthorize pursuant to the provisions of Chapter 44, Section 53E 1/2, the Special Education Revolving Fund as voted in Article 18 – Revolving Funds – Special Education, at the October 2003 Town Meeting for the purpose of which receipts in connection with certain special education programs will be deposited for use by the School Committee for the purpose of meeting the expenses of Special Education programs, and further to authorize the expenditure of such funds to be expended at the discretion of the School Committee a sum not to exceed a certain amount; or what it will do in relation thereto.

**Sponsor:** Board of Selectmen

**Description....**

*This article continues in place the revolving fund to deposit the Special Education Funds.*

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**Article 11 Recycling Promotion Revolving Fund – Re-authorize**

To see if the Town will vote to re-authorize pursuant to the provisions of Chapter 44, Section 53E ½, the Recycling Promotion Revolving Fund as voted in Article 12 – Establish Recycling Promotion Revolving Account, at the April 2006 Town Meeting for the purpose of which receipts in connection with the sale of recyclable products will be deposited for use by the Department of Public works for the purpose of meeting the expenses of recycling programs, and further to authorize the expenditure of such funds to be expended at the discretion of the Department of Public Works a sum not to exceed a certain amount; or what it will do in relation thereto.

**Sponsor:** Board of Selectmen

**Description...**

*This article continues in place the mechanism used by the Town to utilize the revenue from the receipts of recyclable products.*

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**Article 12 Retirement Trust Fund**

To see if the Town will vote to raise by taxation and appropriate or transfer from available funds, a sum of money to the Retirement Trust Fund; or what it will do in relation thereto.

**Sponsor:** Board of Selectmen

**Description...**

*This article will transfer funds into the Retirement Trust Fund, which was authorized by special legislation, to pay for contractual obligations of employees upon retirement.*

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**Article 13 Land Transfer – Juniper Road**

To see if the Town will vote to transfer the care, custody and control of 6,250 square feet of land, which is described as a portion of the land located in the Town of North Reading, shown as Lot 13 on Assessors Map 43 and shown on a plan of land titled "Plan of Land in North Reading, Massachusetts", 18 Juniper Road, prepared by LeBlanc Survey Associates, dated March 10, 2006, on file with the Town Clerk, (referred to herein as "Parcel A"), from the Board of Selectmen and held for public way purposes to the Board of Selectmen for the purpose of conveyance and to authorize the Board of Selectmen to convey a fee simple interest in Parcel A upon such terms and conditions as the Board of Selectmen shall determine to be appropriate, in consideration of the conveyance to the Town of 773 square feet of land, described as a portion of the land shown as Lot 12 on Assessors Map 43 and shown on said plan (referred to herein as "Parcel B"), and to authorize the Board of Selectmen to accept the deed to the Town of Parcel B in fee simple, upon such terms and conditions as they shall determine, for the purposes of a public way; or what it will do in relation thereto.

**Sponsor:** Board of Selectmen

**Description...**

*This article would authorize the Town to gain title to a portion of land currently designated Map 43/Lot 12, containing 773 square feet. A portion of Maple Road is currently situated on this land. As compensation for this parcel, the Town would transfer its title rights to Map 43/Lot 13, containing 6,250 square feet.*

**Article 14 Prior Year's Bills**

To see if the Town will vote to raise by taxation and appropriate, or appropriate by transfer from available funds, a sum of money to pay prior year bills; or what it will do in relation thereto.

**Sponsor:** Board of Selectmen

**Description...**

*This article provides for payment of prior fiscal year bills which were not submitted prior to the fiscal year end.*

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**Article 15 Amend FY2007 Budget**

To see if the Town will vote to amend the FY2007 Operating Budget voted under Article 14 of the April 3, 2006 Annual Town meeting, as follows, and to raise by taxation and appropriate, appropriate and transfer from unexpended funds remaining in Warrant Articles of previous years, or appropriate by transfer from available funds, or borrow a sum of money for such proposes; or what it will do in relation thereto:

**Sponsor:** Board of Selectmen

**Line 29 – Pensions and Benefits (Workers Compensation)**

- Transfer \$42,203 from available funds.

**Background...**

*The requested funds are necessary to supplement the workers compensation budget which was underfunded for FY2007.*

**Line 49 – Solid Waste Expenses**

- Transfer \$75,000 from Solid Waste Stabilization Fund.

**Background...**

*These funds provide for the collection of the projected increase in Solid Waste (trash) tonnage for FY2007.*

**Line 97 – Water Department Expenses**

- Transfer \$110,000 from Water Revenue.

**Background...**

*These funds provide additional funding for additional purchase of water from the Town of Andover, and unanticipated department expenses.*

## Article 16 Fund Settlements – Eisenhaure Pond Park

To see if the Town will vote to appropriate a sum of money, in addition to any amounts previously appropriated, for the payment of any settlement, damages, or other court judgments relating to the Town's acquisition of the parcels of land authorized to be taken by eminent domain pursuant to the vote of the Town passed under Article 27 of the warrant for the April 7, 2003 annual town meeting and which are depicted on the plan entitled "Plan of Land in North Reading, MA Survey for the Town of North Reading", dated "February 28, 2003", drawn by Design consultants, Inc. for the purpose of creating Eisenhaures Pond Park; to determine whether this appropriation shall be raised by borrowing or otherwise; or what it will do in relation thereto.

**Sponsor:** Board of Selectmen

### Description....

*This article would add a sum of money to funds previously approved for the acquisition of land at Eisenhaures Pond Park, including payment of judgments and settlements of damage claims made by former land owners.*

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## Article 17 Rescind Bond Authorizations

To see if the Town will vote to rescind the following residual bond authorizations; or what it will do in relation thereto.

**Sponsor:** Board of Selectmen

<u>Date</u>	<u>Article #</u>	<u>Purpose</u>	<u>Amount</u>
12/03/01	3	Modular Classrooms	\$ 55,000
04/07/03	3	Modular Classrooms	\$250,000
04/05/04	11	Dump Truck	\$ 3,000
04/05/04	11	HS Hot Water System	\$ 1,000

### Description...

*These residual amounts arise from the original bond authorizations exceeding the actual cost of the project. These amounts do not represent additional funds but rather funds not borrowed.*

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## Article 18 Fund Non Point Source Pollution – Competitive Grant

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds, a sum of money to fund a Non Point Source Pollution competitive Grant awarded by the Commonwealth of Massachusetts Department of Environmental Protection; or what it will do in relation thereto.

**Sponsor:** Department of Public Works and Martins Pond Reclamation Study Com.

### Description...

*The primary goal of this project is to address the Martins Pond impairments of turbidity and noxious aquatics by decreasing the erosion and sedimentation from lands immediately adjacent to the shoreline. The grant amount needed is \$384,920, of which \$218,600 is reimbursable from the state.*

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**Article 19 Fund FY2008 Revaluation**

To see if the Town will vote to raise by taxation and appropriate by transfer from available funds, or borrow, a sum of money to perform a complete revaluation of all property; or what it will do in relation thereto.

**Sponsor:** Board of Assessors

**Description...**

*This article proposes that a complete and thorough documenting and valuing of personal property characteristics and conducting a revaluation of all real estate in the Town as mandated by the Department of Revenue. The sum of \$120,000 is needed for this purpose.*

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**Article 20 Transfer FY2005 Abatement Monies**

To see if the Town will vote to transfer a sum of money from the FY2005 Overlay for Abatement monies into the FY2006 Abatement account; or what it will do in relation thereto.

**Sponsor:** Board of Assessors

**Description...**

*This article covers additional abatement money needed for 2006 abatements.*

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**Article 21 Amend Code – Section 200-101.D(6) of the Zoning By-laws**

To see if the Town will vote to amend Section 200-101.D(6) the Zoning By-laws of the Town of North Reading so as to delete the words "Other than when there is an existing historic structure on the parent parcel which is the subject of a related special permit application," so that the new section 200-101.D(6) will now read "No new lot may be created that would render the parent parcel of land nonconforming with regard to dimensional requirements, including but not limited to area and frontage."; or what it will do in relation thereto.

**Sponsor:** Community Planning Commission

**Description....**

*The intent of the original by-law was to allow for land owners to have the flexibility to move their historic structures via numerous methodologies, including moving of existing historic structures if they are deemed historically significant, and re-subdividing the lot of land the structure was located upon so long as the existing lot of land does not become non-conforming. The majority of the by-law addresses this glitch, however this one sentence provides for a loophole that was unintended. As such, an amendment to the by-law will ensure that the purpose and intent of the by-law are complied with.*

**Article 22 Amend Code – Add Zoning By-Law Article XXI – Affordable Housing Overlay District**

To see if the Town will vote to amend the Zoning Bylaw by adding the following new Article XXI, Affordable Housing Overlay District and authorizing related amendments, as follows; and further that non-substantive changes to the numbering of this by-law be permitted in order that it be in compliance with the numbering format of the Code of North Reading; or what it will do in relation thereto.

**Part 1.** Amend the Zoning Bylaw by adding Article XXI:

**ARTICLE XXI  
Affordable Housing Overlay District**

**§ 200-117. Purposes.**

The purposes of the Affordable Housing Overlay District are to:

- A. Create affordable housing opportunities in the Town of North Reading;
- B. Provide for a diverse, balanced and inclusive community, with housing for persons of all income levels as a matter of basic fairness and social responsibility;
- C. Assure that affordable housing is made available on an equal basis to all eligible households without regard to race, religion, age, sex or other class status as defined in the federal Fair Housing Act of 1968, as amended;
- D. Provide a mechanism for Town-owned property to be used for affordable or mixed-income housing; and
- E. Assist the Town of North Reading in creating affordable housing units eligible for the Chapter 40B Subsidized Housing Inventory.

**§ 200-118. Applicability.**

This bylaw and district consists of land owned by the Town and voted by a Town Meeting to be added to this district and shown on the Zoning Map in accordance with the procedures set forth in MGL c.40A, § 5. Property may be placed within the Affordable Housing Overlay District only if said property:

- A. Includes at least 10,000 square feet of contiguous upland;
- B. Has been determined to be available for disposition under M.G.L. c.30B, § 16, or other applicable laws;
- C. Has access to public water; and
- D. Is not located in any Industrial District or the Highway Business District.

**§ 200-119. Effect of regulations.**

The Affordable Housing Overlay District regulations of this article apply in addition to the underlying zoning district regulations. In case of conflict between the regulations of this article and other regulations in this bylaw, the regulations of this article shall control. Where no Affordable Housing Overlay District regulation is stated in this article, the regulations of the underlying zoning district and all other applicable provisions of this bylaw shall apply.



**§ 200-120. Use regulations.**

A. The following uses shall be permitted in the Affordable Housing Overlay District:

- (1) One-family detached dwelling
- (2) Two-family dwelling

B. The following uses require a special permit from the Community Planning Commission:

- (1) One-family attached dwelling, up to four units per dwelling
- (2) Multi-family dwelling; new construction, up to eight units per dwelling
- (3) Municipal building reuse for multi-family housing

**§ 200-121. Dimensional and density regulations.**

A. Uses and structures in the Affordable Housing Overlay District shall comply with the following requirements:

B. In addition to the requirements under Subsection A above, for a one-family attached dwelling or a multi-family dwelling, maximum density shall be one unit per 5,000 square feet of lot area.

C. A municipal building reuse project is exempt from the requirements of Subsection A above, and shall comply instead with the following requirements:

- (1) The minimum front, side and rear yard setbacks shall be the setbacks of the North Reading Affordable Housing Overlay District – Draft – February 8, 2007 existing building.
- (2) A municipal building may be altered or expanded for reuse as multi-family housing, but in no event shall an expansion project exceed 1.25 times the gross floor area of the existing building.
- (3) The minimum lot area per dwelling unit shall be 5,000 sq. ft.
- (4) The maximum height shall not exceed the height of the existing building, except that the Community Planning Commission may grant a special permit for one additional story above the number of stories in the existing building.

**§ 200-122. Affordable housing regulations.**

- A. An affordable housing unit shall be affordable to a low- or moderate-income household, i.e., a household with income at or below 80% of area median income (AMI), adjusted for household size, for the metropolitan area that includes the Town of North Reading, as determined by the United States Department of Housing and Urban Development (HUD).
- B. Affordable units shall meet the requirements of the Department of Housing and Community Development (DHCD) Local Initiative Program (LIP) for inclusion on the Chapter 40B Subsidized Housing Inventory.
- C. The minimum affordable housing requirement is as follows:
- (1) One-family detached dwelling. In a single-unit development, the one-family dwelling shall be an affordable unit. In a development of two dwellings, at least one dwelling shall be an affordable unit. In a development of three or more dwellings, at least one out of every three dwellings shall be an affordable unit.
  - (2) Two-family dwelling: at least one unit shall be an affordable unit.
  - (3) One-family detached dwelling or multi-family dwelling: at least one out of every three units shall be an affordable unit.
  - (4) At least 10% of the multi-family housing units shall be affordable in accordance with this section. The maximum affordable purchase price shall be determined in accordance with the Community Planning Commission's Rules and Regulations and LIP Guidelines in effect when the proponent applies for a building permit.
  - (5) A development that includes more than five affordable units shall provide a range of affordability, with units priced for households between 65% and 80% AMI.
  - (6) If the requirements of this section result in a fraction of a dwelling unit, the fraction shall be rounded to the nearest whole number.
- D. Location of affordable units. The affordable units shall be dispersed throughout the site or, in the case of one-family attached or multi-family dwellings, throughout the floors and buildings, such that affordable units are not concentrated on one part of the site or in one building or floor. This requirement shall not apply to a one-family detached dwelling.
- E. Comparable units. The affordable units shall be comparable to market-rate units in exterior building materials and finishes; overall construction quality; and energy efficiency, including mechanical equipment and plumbing, insulation, windows, and heating and cooling systems. The affordable units may differ from market-rate units in gross floor area, provided the bedroom mix in the affordable units is generally proportional to the bedroom mix in market-rate units.
- F. Marketing. For the affordable units, the selection of eligible purchasers or renters shall be carried out under an affirmative marketing plan approved by the Community Planning Administrator. The affirmative marketing plan shall describe how the applicant will accommodate local preference requirements, if any, established by the Town.
- G. No building permit shall be issued until a regulatory agreement or other form of affordable housing restriction has been recorded at the Registry of Deeds, executed by the applicant, the Town and DHCD, where applicable, to restrict sale, rental and occupancy of affordable housing units to low- or moderate-income households and to provide for administration, monitoring and enforcement of the agreement during the term of affordability. The regulatory agreement shall run with the land in perpetuity or for the maximum period of time allowed by law, and shall be enforceable under the provisions of MGL c.184, § 26 or §§ 31 through 32.

- H. The proponent shall be responsible for preparing and complying with any documentation that may be required by DHCD to qualify the affordable units for listing on the Chapter 40B Subsidized Housing Inventory.
- I. The proponent shall be responsible for preparing a monitoring and enforcement plan acceptable to the Community Planning Commission and providing the funds necessary for an independent monitoring agent to carry out the approved plan on behalf of the Town.
- J. A certificate of occupancy for an affordable homeownership unit shall not be issued until the proponent submits documentation that an affordable housing deed rider previously approved by the Community Planning Administrator has been executed by the proponent/seller and the affordable unit homebuyer and recorded at the Registry of Deeds.

**§ 200-123. Special permits**

- A. The Community Planning Commission shall be the special permit granting authority for uses in the Affordable Housing Overlay District.
- B. Special permit application, review and decision procedures shall be in accordance with §§ 200-25B.(3)(f) and 200-28 of this bylaw.
- C. The Commission's decision shall be based upon the criteria set forth in § 200-28 and the degree to which the proposed development:
  - (1) Addresses the purposes of the Affordable Housing Overlay District;
  - (2) Accommodates the proposal without substantial environmental damage due to wetland loss, habitat disturbance or damage to valuable trees or other natural assets;
  - (3) Is considerate of scenic views from public ways and developed properties, given the proposed site arrangement and building design;
  - (4) Minimizes visibility of parking and service areas from public streets through site arrangement, and provides appropriate screening for such areas from abutting premises;
  - (5) Maintains domestic scale in building design through massing devices, such as breaks in wall and roof planes and through the design of architectural features;
  - (6) Provides for safe and convenient pedestrian and vehicular movement to, from and within the site, arranged so as not to disturb abutting properties; and
  - (7) Complies with the design standards in § 200-124.
- D. Conditions. The Commission shall impose conditions in its decision as necessary to ensure compliance with the purposes of this Bylaw. Approval of a project shall be conditioned to provide that no further division of land which increases the number of lots or units or results in any alteration of the area to be set aside as open space may occur without a modification of the special permit.

**§ 200-124. Minimum design standards.**

- A. Mandatory requirements. Unless modified by special permit from the Community Planning Commission, the following design standards shall apply to any new dwelling in the Affordable Housing Overlay District.
  - (1) The front façade and main entrance of the dwelling shall face the street and must be clearly articulated through the use of architectural detailing.
  - (2) Rooflines shall be pitched or gabled.
  - (3) Except for a basement-level garage below grade under a one-family detached dwelling, any garage, carport or other accessory structure, attached or detached, shall be located at least 15 feet behind the front of the principal building facing the front property line. The Community Planning Commission may grant a special permit to waive this requirement when it is infeasible to comply due to

physical or other constraints on the lot, subject to the following:

- (a) No garage shall be located closer to the front lot line than the foremost façade of the principal building facing the front property line, and
- (b) No garage shall occupy more than 40% of the front façade of the building.

B. Design preferences (optional). The following design standards should be addressed for any new dwelling in the Affordable Housing Overlay District:

- (1) The front entrance of the dwelling facing the street should be defined by at least one of the following: a porch of at least eight feet in width and depth, pent roof, roof overhang, hooded front door or similar architectural element.
- (2) A building should incorporate architectural styles, building materials, and colors used in surrounding buildings or that are compatible with the neighborhood.
- (3) A building greater than one story should clearly delineate the boundary between each floor of the structure through belt courses, cornice lines, or similar architectural detailing.
- (4) There should be overhanging eaves.

**§ 200-125. Off-street parking.**

- A. The minimum required off-street parking shall be two spaces per dwelling unit, except that for a studio or one-bedroom unit, one parking space per unit shall be required; and for age-restricted units, an average of 1.5 spaces per unit.
- B. The required parking spaces may be located in an accessory garage, in a dedicated parking area on the lot, or stacked within the driveway serving the development. When the parking spaces are located outside, the area used for parking shall be graded and drained so as to prevent surface water accumulation within the parking area and to prevent surface water runoff to an adjoining property or the public way.
- C. No off-street parking space shall be located within the minimum front yard setback.
- D. There shall be a landscaped buffer of not less than four feet between any driveway and the nearest side lot line, and no paved surface areas and no off-street parking shall be permitted within the buffer zone.

**§ 200-126. Severability**

In the event that one or more of the provisions of this article are determined to be illegal or unenforceable by a court of competent jurisdiction, then the illegality or unenforceability of any such provision shall not affect the validity of any other provision of this article which remains in full force and effect.

**Part 2.** Amend Section 200-28, Special Permits, Subsection (B), Community Planning Commission, by adding a new paragraph (7), as follows:

- (7) Special permits relating to the Affordable Housing Overlay District.

**Part 3.** Amend Section 200-29, Designation of Districts, Subsection B.(1), by inserting the following sentence after the words “commercial development”:

For purposes of this Bylaw, any property placed within the Affordable Housing Overlay District shall be deemed to be in a Residence District regardless of the underlying zoning. So that this section would read:

*Residence Districts are so designated to provide satisfactory areas for persons to reside, away from the unhealthy aspects of commercial development. For purposes of this bylaw, any property placed within the Affordable Housing Overlay District shall be deemed to be in a Residence District regardless of the underlying zoning. The districts in this category provide for a variety of population densities;*

**Sponsor:** Community Planning Commission

**Description....**

*The proposed bylaw will help to fill the gap of affordable housing that will be created when the Town's affordable housing statistics are updated after the 2010 census. This by-law will allow the Town to fill that estimated gap by allowing the Town to place affordable housing on parcels of Town-owned land – subject to numerous dimensional and design requirements, and a subsequent vote of Town Meeting to allow the Town to dispose of the land as surplus property.*

## **Article 23     Accept MGL Chapter 43D – Expedited Permitting Law**

To see if the Town will accept the provisions of Chapter 43D of the Massachusetts General Laws as amended pursuant to Section 11 of Chapter 205 of the Acts of 2006, and to approve the filing of a formal proposal with the Interagency Permitting Board for the designation as an overlay for land at 104 Lowell Road (Map 14, Parcel 148); or what it will do in relation thereto.

**Sponsor:** Community Planning Commission

**Description...**

*The 43D Expedited Permitting Law allows communities within the Commonwealth to designate a parcel of land which is zoned industrial or commercial to be eligible for expedited permitting. Expedited permitting means that the Town will grant an applicant their required local permits (they still need all local permits required and are NOT exempt from any local permits) within 6 months. This is essentially the standard time frame for permitting and receipt of most local permits. In exchange for this, the State will provide the community \$150,000 upon application of such to be used for the purpose of expedited permitting.*

## **Article 24     Operating Budget**

To see if the Town will vote to fix the compensation of all elected officers, provide for a reserve fund, and allocate sums of money to defray charges and expenses of the Town, including or relating to, but not limited to:

- Town Boards,
- Town Departments,
- Town Committees,
- Debt and the interest thereon, and
- Wages and Salaries

for the fiscal year ending June 30, 2008; to appropriate the funds required for the aforementioned purposes; and to raise these funds by taxation as authorized by Ch. 59 of the Massachusetts General Laws, by transferring unexpended funds remaining in accounts established by Warrant Articles of previous Town Meetings or other available funds, or by taxation as authorized through a referendum to be conducted pursuant to Ch. 59, sec. 21C(m) of the Massachusetts General Laws; or what it will do in relation thereto.

**Description...**

*This is the annual operating budget of the General Government and the School Department. It sets forth appropriations of funds to pay for all the normal costs of providing governmental services to the community. Explanations of each of the appropriation groupings have been incorporated into the article to enable a better understanding on the part of Town Meeting participants of each appropriation's purposes and changes.*

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**Article 25 Fund Retirement Obligations**

To see if the Town will vote to raise and appropriate a sum of money and/or transfer a sum of money from available funds for the purpose of funding FY08 retirement obligations; or what it will do in relation thereto.

**Sponsor:** Board of Selectmen

**Description...**

*This article will provide funding for obligations owed employees who are retiring during FY08. The Town has established a Retirement Trust Fund for this purpose, but due to early retirements, the Fund is insufficient to meet the obligations. Therefore, additional funding is needed.*

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**Article 26 Fund New Fire Department Personnel**

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to hire four (4) fire fighters/paramedics for the Fire Department, including wages, related benefits and expenses provided, however, that this vote shall not take effect until the Town votes to exempt from the limitation on taxes imposed by MGL Chapter 59, Section 21C (Proposition 2 ½) amounts for the purposes of this article; or what it will do in relation thereto.

**Sponsor:** Board of Selectmen

**Description...**

*This article implements the recommendations of the Fire Management Study Committee that was charged to recommend various alternatives proposed in a report from March 2006. the requested funds would permit the Town to meet national standards for 2 in/2 out on structure fires, and provide paramedic services beginning on Fiscal 2008. the total estimated costs including wages, benefits and expenses is \$277,271 and is contingent on the approval of a Proposition 2 ½ override.*

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**Article 27 Capital Expenditures**

To see if the Town will vote to raise by taxation and appropriate, appropriate and transfer from unexpended funds remaining in Warrant Articles of previous years, or appropriate by transfer from available funds or borrow a sum of money, for the purchase of items of a capital nature, and further to authorize the Town Administrator to sell or trade-in items rendered surplus by such purchases; or what it will do in relation thereto.

**Description...**

*This article, required by the Town Charter, annually funds the purchase and replacement of capital equipment for various Town Departments. The following table lists each proposed purchase, the proposed sources and means of funding and the vote required for passage. All equipment displaced as surplus will be sold or traded in compliance with Town Bylaws. A 2/3 vote is required for transfers from the Stabilization Fund and for borrowing.*

## **Article 28 Fund Technology, Communications and Equipment for Police Station**

To see if the Town will vote to raise and appropriate, transfer from any available source of funds or borrow pursuant to applicable statute, a sum of money for technology, communications and radio equipment, furnishings, and other expenses related thereto for the new Police Station; or what it will do in relation thereto.

**Sponsor:** Board of Selectmen

**Description...**

*This article provides additional funding necessary to furnish and equip the new Police Station that is due to open in several months.*

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## **Article 29 Appropriate Money to Stabilization Fund**

To see if the Town will vote to raise by taxation and appropriate or transfer from available funds a sum of money to the Stabilization Fund; or what it will do in relation thereto.

**Sponsor:** Finance Committee

**Description...**

*This article places funds in the Stabilization Fund, the use of which is unrestricted but requires a 2/3 vote of the Town Meeting.*

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And you are directed to serve this Warrant, by posting up attested copies thereof at two conspicuous places in each of the four precincts in said Town, fourteen days at least before the time of holding said meeting.

HEREOF FAIL NOT, and make due return of this Warrant, with your doings thereon, to the Town Clerk, at the time and place of meeting, as aforesaid.

Given under our hands this twelfth day of March in the year of our Lord two thousand and seven.

### **BOARD OF SELECTMEN**

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Robert J. Mauceri, Chairman

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Stephen J. O'Leary, Vice Chairman

---

Joseph Veno, Clerk

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Philip R. Dardeno

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Michael R. Harris

A True Copy: Attest

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Constable

Town of North Reading, MA